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In re Application of: KUZ, et al	:	
Application No.: 10/563,069	:	
PCT Application No.: PCT/EP04/07127	:	
Int. Filing Date: 30 June 2004	:	DECISION ON
Priority Date Claimed: 30 June 2003	:	PETITION UNDER
Attorney Docket No.: 11336.1240 (P03064US)	:	37 CFR 1.137(b)
For: Method, Device and System for	:	
Transmitting an Emergency Call	:	
	:	

This decision is a response to Applicants' "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)", which was filed on 22 May 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 30 June 2004, Applicant filed international application PCT/EP04/07127. The international application claims a priority date of 30 June 2003 and designates the United States. Pursuant to 35 U.S.C. 371 and 37 CFR 1.495, the thirty-month period for commencement of the national stage in the United States, and paying the required basic national fee, expired at midnight on 30 December 2005.

On 29 December 2005, Applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, a copy of the International Application. However, no requisite basic national fee as required by 35 U.S.C. 371 (c)(1) was provided at such time.

On 27 July 2005, Applicant was mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909) informing Applicant that it had failed to provide the full U.S. Basic National Fee by 30 months pursuant to 37 CFR 1.495(b)(2).

On 11 July 2006, Applicant filed the instant petition to revive accompanied by, *inter alia*, the \$1,500 petition fee, and the required \$300 basic national fee. Also submitted were examination, search and additional-claims fees.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) the required reply, (2) the petition as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

With regard to Item (1), the required reply, i.e. the \$300 basic national fee has been received.

With regard to Item (2), the appropriate petition fee of \$1,500 as required by 37 CFR 1.17(m) has been paid.

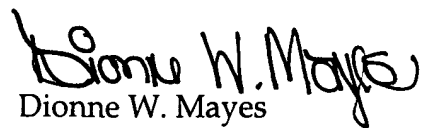
With regard to Item (3), Applicant's statement that "[t]he entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" has been satisfied.

With regard to Item (4), a terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

All of the requirements of 37 CFR 1.137(b) have been met and Applicant's petition to revive is GRANTED.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing in accordance with this decision, including issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, is required.



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